

The Early History of Iowa (pt. 10)

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THE EARLY HISTORY OF IOWA.

BY CHARLES NEGUS.

(Continued from Page 241.)

The delegation from the Sac and Fox nation consisted of Keokuk and twenty-two others from Iowa, and five from those who resided in Missouri. Keokuk had with him his wife and son, also Black Hawk and his son. It appears that Keokuk thought it prudent to take with him the old warrior, lest in his absence he might stir up some dissatisfaction among the nation.

At this convention peace was restored among the Indians of the Northwest; and the commissioner on the part of the United States succeeded in making purchases of lands from the Sacs and Foxes and other nations.

By the first article in the treaty made with the Sacs and Foxes, it was provided that they make to the United States the following cessions:

"First. Of a tract of country containing one million two hundred and fifty thousand acres, lying west and adjoining the tract conveyed by them to the United States in the treaty of September 21st, 1832. It is understood that the points of termination for the present cession shall be the northern and southern points of said tract, as fixed by the survey made under the authority of the United States; and that a line shall be drawn between them, so as to intersect a line extended westwardly from the angle of said tract, nearly opposite to Rock Island, as laid down in the above survey, so far as may be necessary to include the number of acres herein ceded, which last mentioned line it is estimated will be about twenty-five miles.

"Second. Of all right or interest in the land ceded by said confederate tribes, on the 15th of July, 1836, (this embraces the Western slope of Iowa,) which may be claimed by them under the phraseology of the first article of said treaty."

This treaty was signed by Cary A. Harris, on the part of

the United States, and ratified and confirmed by the senate, and proclaimed on the 21st of February, 1838.

After getting through with this business at Washington, Keokuk and his party made a tour east, and visited Boston, at which place they attracted much attention.

They arrived at Boston on the 30th of October, and such was the curiosity to see these distinguished persons from the wilderness of the west, that they drew around them an immense crowd of people.

They were received by Gov. Everett on behalf of the state, and by the mayor on behalf of the city, by public addresses, and escorted by the military to Faneuil Hall, and to other public places in the city.

Keokuk, in reply to this reception, said: "Keokuk and his chiefs are very much gratified that they have had the pleasure of shaking hands with the governor of this great state, and also with the men that surround him.

"You well say, brother, that the Great Spirit has made both of us, though your color is white, and mine red; but he made your heart and mine the same. The only difference, I find, is he made you speak one language, and I another. He made the same sky above our heads for both. He gave us hands to take each other by, and eyes to see each other. I wish to take all by the hand. To shake hands with all my white brothers.

"I am very happy to say, before I die, that I have been in the great house, where my fathers and your fathers used to speak together, as we do now. And I hope the Great Spirit is pleased with the sight, and will long continue to keep friendship between the white and the red man. I hope that now in this place he sees and hears our hearts proffer friendship to each other, and that he will aid us in what we are engaged in.

"My remarks are short, and this is what I say to you: I take my friends all by the hand, and wish the Great Spirit to give them all a blessing."

The Indians all received much attention, but the venerable

old chief, Black Hawk, although he had been degraded, and lost his position as a chief, among his people, was the star of the company, and every visitor was anxious to single out the man who had made so much disturbance on the frontier.

After partaking of the honors and hospitalities of the city, and receiving many valuable presents, Keokuk and his party made their way back to the villages of their own country.

The purchase made from the Indians at this time embraced some of the best lands in the state, upon which sprung up some important towns, among which are the county seats of Jefferson, Washington, Johnson and Linn Counties.

The territory of Wisconsin had become settled to that extent that it was thought advisable to divide the territory.

Lieutenant Robert E. Lee, (afterwards commanding general of the southern forces in the civil war of 1861,) "of the corps topographical engineers, in his report to congress in 1836, upon the improvement of the Mississippi River above St. Louis, when remarking on the western rivers, mentioned the Iowa River as a central stream within what would one day be a great state."

From this mention of the name of Iowa, a writer in the *Dubuque Visitor*, in an article published in that paper, spoke of the "Future state of Iowa."

This article was headed "A Vision," and purported to be a dream about the future prospects of Dubuque, and in the closing paragraph he says:

"After rambling up and down through the place, I found myself in a spacious public square. In the center of the area stood a splendid building, embellished with cornices and porticoes. On approaching near I heard a proclamation in a stentorian voice: 'Hear ye! hear ye! The legislature of the state of Iowa will now commence its third session.' Strange, thought I, such a change in ten short years. Here in this place I once resided. Then it was a small town, and the surrounding country thinly settled; I was acquainted then with nearly all the people. Now, thousands are swarming; even legislatures fulfilling their duties to their constituents in the

halls of an independent state government. Suddenly I awoke; my pleasing vision was dispelled, for I found myself still pressing a straw pallet in my mining cabin."

Soon after the appearing of this article, William C. Carroll bought the Dubuque *Visitor*, and being pleased with the name of Iowa, changed the name of his paper to that of *The Iowa News*. In this way the name became familiar, and congress, on dividing the territory of Wisconsin, called that portion west of the Mississippi River "Iowa," which was the word used by the aborigines to describe a beautiful country.

About the time of the meeting of the first legislature of Wisconsin, at Belmont, James Clark went to that place with a printing press, and started a newspaper. After the legislature had passed the act making Madison the permanent seat of government of Wisconsin, and provided that the legislature should meet at Burlington, till the capitol buildings were completed, Clark with his press moved to the west side of the Mississippi River, and started a paper called *The Iowa Territorial Gazette and Burlington Advertiser*, which was the first newspaper ever published in Burlington. Clark's paper was democratic in its politics, and was regarded as the organ of Gov. Dodge. Soon after Clark got his paper under way James G. Edwards moved his press from Ft. Madison to Burlington, and published *The Burlington Patriot*, (afterwards called *Hawk-Eye*,) which advocated whig principles, and was considered as the organ of that party. And the *Gazette* and *Hawk-Eye* were for many years the leading papers in Iowa, and kept up with each other a spirited contest for the ascendancy in political matters.

The year of 1838 is a noted year in the history of Iowa. The legislature of the territory of Wisconsin convened at Burlington on the first of June of that year, and continued in session till that portion of the territory west of the Mississippi was cut off from Wisconsin, and formed a separate government.

There was an act passed by congress on the twelfth of June, 1838, by which it was provided "that from and after the

third of July next, all that part of the territory of Wisconsin that lies west of the Mississippi River and west of a line drawn due north from the head waters or sources of the Mississippi to the territorial line, was for temporary purposes constituted a separate territorial government, and called Iowa."

This law made provisions that there should be "nominated, and by and with the advice and consent of the senate, appointed by the president of the United States, a governor, secretary, chief justice and two associate judges, a United States attorney, and marshal." The governor was appointed for three years, and the other officers for a term of four years.

The governor was required to reside in the territory, and was the commander-in-chief of the militia, and required to perform the duties of superintendent of Indian affairs, and all laws passed by the legislature were to be approved by him, before they should take effect, and he was invested with the power to grant pardons. And he was to "nominate, and by and with the advice and consent of the legislative council, appoint all judicial officers, justices of the peace, sheriffs, and all militia officers, except those of the staff, and all civil officers not provided for by the organic act.

It was provided that the territory should be divided into three judicial districts, and the governor had the right to define the judicial districts of the territory and assign the judges appointed to the several districts, and appoint the time for holding courts in the several counties, till otherwise provided by the legislature.

Each judge was required to live in and hold the courts of his own district, and the three judges were required to meet at the seat of government once a year, and together hold a supreme court.

The law also provided for a territorial legislature, consisting of a council and house of representatives, the former consisting of thirteen, and the latter of twenty-six members.

It was made the duty of the governor to "declare the number of members of the council and house of representatives to which each of the counties were entitled," and the first elec-

tion was to be held at such time and places, and be conducted in such manner, as he might direct.

Robert Lucas, who had formerly been governor of Ohio, was appointed governor, William B. Conway, secretary, Francis Gehon, (the old marshal of Wisconsin,) marshal, Cyrus S. Jacobs,* United States attorney, Charles Mason, Joseph Williams and Thomas S. Wilson, judges.

Governor Lucas caused the census to be taken and apportioned the members of the legislature, and issued his proclamation for an election of delegates to congress, and members of the legislature.

The governor made Burlington the temporary seat of government, and convened the first legislature of Iowa territory on the twelfth of November, 1838.

The first legislature was mostly composed of young men, and many of these members afterwards became prominent individuals in the history of Iowa.

The following is a description of the members of the first legislature, as taken by a resident of Burlington at the time of the session :

MEMBERS OF THE HOUSE.

✓ William H. Wallace, (Speaker), from Henry County ; born in Ohio, is 27 years of age, 5 feet 8 inches high, weighs 130 pounds, is a farmer.

✓ William G. Coop, same county ; born in Virginia, age 33, 5 feet 10 inches high, weighs 170 pounds, is a farmer.

✓ A. B. Porter, same county ; born in Kentucky, 30 years of age, 5 feet 8 inches high, weighs 155 pounds, is a farmer.

✓ Laurel Summers, from Scott County ; born in Kentucky, 24 years of age, height 5 feet 10 inches, weighs 145 pounds, is a farmer.

✓ Jabez Burchard, from same county ; born in Pennsylvania, age 34, height 5 feet 11 inches, weighs 165 pounds, is a farmer.

✓ James Brierly, from Lee County ; born in Ohio, age 29, height 5 feet 7 inches, weighs 136 pounds, is a farmer.

✓ William Patterson, from same county ; born in Virginia, age 37, height 6 feet, weighs 170 pounds, is a farmer.

✓ H. Taylor, same county ; born in Kentucky, age 27, height 5 feet 10 inches, weighs 160 pounds, is a farmer.

✓ Harden Nowlin, from Dubuque County ; born in Illinois, is 34 years of age, height 5 feet 10 inches, weighs 175 pounds, is a farmer.

* Jacobs soon after he was appointed, in a political difficulty was killed, and Isaac Van Allen appointed in his place.

- Andrew Bankston, same county ; born in North Carolina, age 51, height, 5 feet 9 inches, weighs 160 pounds, is a farmer.
- Thomas Cox, same county ; born in Kentucky, age 51, is 6 feet 1 inch high, weighs 250 pounds, is a farmer.
- C. Swan, same county ; born in New York, age 39, is 5 feet 8 inches high, weighs 140 pounds, is a miner.
- C. J. Price, Lee County ; born in North Carolina, age 37, is 5 feet 11 inches high, weighs 160 pounds, is a farmer.
- J. W. Grimes, from Des Moines county ; born in New Hampshire, age 32, height 6 feet, weighs 170 pounds, is a lawyer.
- George Temple, same county ; born in New Hampshire, age 34, height 5 feet 9½ inches, weighs 170 pounds, is a farmer.
- George H. Beeler, same county ; born in Virginia, age 39, height 5 feet 10 inches, weighs 160 pounds, is a merchant.
- Van B. Delashmutt, same county ; born in Virginia, age 37, is 6 feet 1 inch high, weighs 188 pounds, is a farmer.
- Thomas Blair, same county ; born in Kentucky, age 49, 5 feet 8 inches high, weighs 175 pounds, is a farmer.
- James Hall, from Van Buren County ; born in Maryland, age 27, height, 6 feet 1 inch high, weighs 150 pounds.
- Sam. Parker, same county ; born in Virginia, age 34, height 5 feet 8 inches, weighs 152 pounds, is a farmer.
- G. S. Bailey, same county ; born in Kentucky, age 27, 6 feet high, weighs 150 pounds, is a physician.
- Levi Thornton, from Louisa County ; born in Pennsylvania, age 42, 6 feet high, weighs 196 pounds, is a farmer.
- William L. Toole, same county ; born in Virginia, age 35, height 5 feet 8 inches, weighs 145 pounds, is a farmer.
- Robert G. Roberts, from Cedar County ; born in Pennsylvania, age 42, height 5 feet 8 inches, weighs 150 pounds, is a farmer.
- John Frierson, from Muscatine County ; born in Ohio, age 34, height 5 feet 10 inches, weighs 150 pounds, surveyor.
- S. Clinton Hastings, same county ; born in New York, age 24, height 6 feet 1 inch, weighs 175, is a lawyer.

MEMBERS OF THE COUNCIL.

- E. A. M. Swartz, from Van Buren County ; born in Vermont, age 28 height 5 feet 11½ inches, weight 167, farmer.
- J. Kieth, from same county ; born in Virginia, age 52, height 5 feet 10½ inches, weight 145, gunsmith.
- A. Inghram, from Des Moines County ; born in Pennsylvania, age 60, height 5 feet 10 inches, weight 224, is a farmer.
- Robert Ralston, same county ; born in Ohio, 31 years of age, height 5 feet 7 inches, weight 137, merchant.
- C. Whittlesey, from Cedar County, born in New York, age 31, height 5 feet 9 inches, weight 150, merchant.
- George Hepner, from Des Moines County ; born in Kentucky, age 33, 5 feet 11½ inches high, weight 170, farmer.

- Jesse B. Brown, (President,) from Lee County; was born in Kentucky, is 40 years of age, 6 feet 7 inches high, weight 190 pounds, formerly an officer in the United States army.

- Jesse D. Payne, from Henry County; born in Tennessee, age 35, height 6 feet 2½ inches, weight 149 pounds, physician.

- L. B. Hughes from same county; born in Virginia, age 34, height 5 feet 7 inches, weight 170 pounds, merchant.

- J. W. Parker, from Scott County; born in Vermont, 28 years of age, height 5 feet 10½ inches, weight 160 pounds, lawyer.

- Stephen Hempstead, from Dubuque County; born in Connecticut, age 26, 6 feet high, weight 140 pounds, lawyer.

- Warner Lewis, same county; born in Virginia, age 32, height 5 feet 10 inches, weight 140.

- J. M. Clark, from Louisa county; born in New York, age 25, height 5 feet 8 inches, weight 150 pounds, farmer.

At this session of the legislature, there were acts passed making provisions for organizing Linn, Jefferson and Jones Counties, and the name of Slaughter County was changed to the name of Washington.

In putting into operation the new government, the first legislature made provisions for electing in each county a board of county commissioners, consisting of three persons, whose duty it was to attend to all county business; and they were to hold their office for the term of three years; but the first board were to arrange their terms by lot, so that after the first year, one was to be elected each year.

There was also established in each county a court of record to be styled "The Court of Probate," to be holden the first Monday in each month, at the county seat of each county, by some suitable persons to be appointed by the governor, with the consent of the council, to hold his office for the term of three years.

The Territory was divided into three judicial districts, and it was provided that there should be held by one of the district judges, a term of court in each county twice a year. The counties of Lee, Van Buren, Henry and Des Moines composed the first district, and Charles Mason (chief justice) was assigned to be the judge of that district.

The counties of Louisa, Washington, Johnson, Cedar, and Muscatine, composed the second district, and Joseph Williams was assigned to be the judge of this district.

The counties of Jackson, Dubuque, Scott and Clayton composed the third district, the courts in which were to be held by Thomas S. Wilson.

The office of district attorney was created for each judicial district, and it was made the duty of that officer to attend to all civil and criminal business for the territory and the counties in his district. It was provided that this officer should be appointed by the governor, and he was to hold his office for the term of three years.

The offices of sheriff and territorial treasurer, were also filled by appointment of the governor, with the consent of the council, who held their offices for the term of three years. The sheriff, in addition to the other duties of this office, had to collect the territorial and county taxes.

The patronage of the governor at the first organization of the territory, was large, and enabled him to exert a great deal of influence over the people; but most of his power to appoint to office was taken away from him at the next session of the legislature, and the offices were made elective by the people.

At the first session of the Iowa legislature, the towns of Bloomfield (now Muscatine) and Davenport were incorporated, and there were a great number of other special acts of incorporation for various purposes passed, giving exclusive privileges to private individuals, some of which afterwards proved very profitable to the proprietors and onerous to the people. And this was particularly so in regard to ferry charters across the Mississippi River at some of the important points on the river.

The first legislature passed acts providing for locating the sites of and for building the penitentiary and capitol buildings for the territory. The act in relation to the penitentiary provided that there should be elected by the legislature, on joint ballot, three directors, who were authorized and instructed by the legislature to select the site, and erect the penitentiary buildings, within one mile of the public square of Fort Madison, in Lee County; provided the citizens of the town and

county should donate ten acres of land, such as the commissioners should think suitable for a site to build upon.

The question of locating the penitentiary at Fort Madison met with but little opposition, but it was different in selecting the place for the permanent capital of the territory, and this question called forth much feeling and a warm debate. Shepherd Leffler, who was a member of the legislature, made a very able speech in favor of a permanent location, and his views, for the most part, were adopted by that body, and they passed an act locating it in Johnson County, and appointed three commissioners to select a suitable site.

The act required that the commissioners should meet on the first Monday of May, 1839, at the town of Napoleon, and proceed to locate the seat of government at the most suitable point in Johnson County, that they should agree upon a plan of building, and appoint one of their number to superintend the work.

Chancy Swan, John Ronolds and Robert Ralston were appointed commissioners, who, at the proper time, proceeded to discharge the duties of their trust, selected the site, procured the title to six hundred and forty acres of land and laid it off into lots, agreed upon a plan for the capitol, and from their number selected Chancy Swan to superintend the work of erecting the building. The location of the seat of government was two miles north-west of the town of Napoleon (which has ceased to be known as a town), and the location was designated by a stake driven in the ground, with the following inscription on it:

“SEAT OF GOVERNMENT,
CITY OF IOWA.

May 4th, 1839.

C. SWAN,
JOHN RONALDS, } Commissioners.
ROBT. RALSTON, }

Witness,

GEO. W. KELLY, }
J. H. McKENNY, } Des Moines.
J. W. ISETT, Louisa.
J. DILLON, Dubuque.

Sec. 10, T. 79, R. 6, W. 5th Mer.”

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